WP(C) 129/2007
BEFORE
THE HON’BLE MR JUSTICE A B PAL

Heard the learned counsel for the parties.

2. The petitioner is a Junior Inspector of the Co-operative Societies in the office of the Assistant Registrar of Co-operative Societies, R K Nagar, Karimganj, Assam. By order dated 11.12.2006, the Registrar of the Co-operative Societies allowed him to function as Secretary of R K Nagar Co-operative Societies Ltd. and Gandhi Gram Co-perative Societies Ltd., R K Nagar, Karimganj, Assam, until further orders. This order came to be cancelled by the subsequent order dated 20.12.2006 which has been assailed in the present writ petition solely on the ground that the same carries stigma in the form of charges of corruption which have not been enquired into. The first part of the said order reads thus:

> In the interest of public services and as reported by Md. Shahjahan Hussain and 9 Nos. of Managing Committee Members and 5 other Shareholders, Sri B P Deb Roy, Junior Inspector of Co-operative Societies and Secretary of R K Nagar Co-operative Societies Ltd. and Gandhigram Co-operative Societies Ltd. has committed large scale of corruption, malpractices and misappropriated public money.
>
> Therefore, the order issued vide the Office No. CE (P) 17, 20072 dated 11.12.2006 is hereby cancelled.

3. The grievance of the petitioner is that though there can be no objection or impediment to cancel the order dated 11.12.2006, by a simple order, the grounds shown in the order impugned being unfounded charge of corruption is untenable in law.

4. The learned counsel for the State respondents fairly submits that the order should have been a simple order of cancellation, instead of one with stigma.

5. For the reasons aforesaid, this writ petition has merit and the same is allowed, setting aside and quashing the order impugned. It is made clear that this order should not be understood as a bar to proceed afresh and cancel the order dated 11.12.2006, if the respondents considering it expedient so to do. No charges of unfounded corruption can be basis for such order.

6. The writ petition is allowed. No costs.